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**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA) **AFFIDAVIT OF DAVID K. KUBOSUMI**
) **IN SUPPORT OF SRBA CLAIM**
Case No. 39576) **47-17438**
)
)

STATE OF IDAHO)
) ss:
COUNTY OF MINIDOKA)

I, David K. Kubosumi, after first being duly sworn upon oath, depose and state that:

(1) I have worked at the ConAgra Foods Packaged Foods Co., Inc.'s (ConAgra) Twin Falls processing plant since October 4, 1999 as plant engineering manager.

(2) Pursuant to my direction, and as part of the investigation of ground water use at the plant, the following information was confirmed:

- a. The Twin Falls plant was established in 1961 by Idaho Frozen Foods.
- b. Consolidated Foods Corporation purchased Idaho Frozen Foods in 1966.
- c. In 1984 Universal Frozen Foods purchased Consolidated Foods Corporation.
- d. ConAgra purchased Universal Frozen Foods in August of 1994.
- e. In 1997, ConAgra made effort to establish a water right for the well at the plant based on the well's prior beneficial use. In order to support an SRBA claim for this prior beneficial use, the well's use would have had to pre-date March 1963. However, at that time, the only available information in IDWR's files indicated that a well was drilled August 25, 1964. Based on this drilling date information, no SRBA claim was filed.

(3) Despite the results of ConAgra's efforts in 1997, as the SRBA investigation of the

Twin Falls area proceeded over the last several years, I was involved with ConAgra's continued investigation and reinvestigation of historical documents and plant records regarding the establishment of ground water use at the plant. This process took several years because document retention had been affected by the changes in ownership at the plant from 1961 to 1994. However, as a result of this additional effort and the availability of electronic retrieval processes at IDWR (not available in 1997), the following information was obtained to confirm that ground water use began in 1961 when the plant was established.

- *The Idaho Frozen Food Story*, Quick Frozen Foods June, 1968 (Exhibit A)
- Welcome to Idaho Frozen Foods Corp. Employee Handbook, which on page 2 describes the history of the Twin Falls plant (Exhibit B)
- October 16, 1961 Layne and Bowler Pump Company Well Test Report (Exhibit C)
- Driller's Report, October 21, 1961 Well Log and Report by Mack Gray Well Drilling (Exhibit D)

a. The well was drilled by Mack Gray Well Drilling. Drilling commenced on August 25, 1961 and was completed on October 14, 1961. The well is located in Township 10 South, Range 17 East, Section 17 NESESE (Lot 5 of Chamber of Commerce Industrial site Subdivision of the City of Twin Falls.) (Exhibit D)

b. The Driller's Report noted the water would be used for processing potatoes. The well supplied water for the processing operations and maintenance of the plant. The well also supplied water year-round at the plant for sanitation and fire protection. This was the only water right for the plant. Municipal water was available as an alternative source since 1975. The well remained connected to the system.

(4) Once the ground water use investigation was completed, ConAgra conducted an internal review and decision process to determine how it would proceed to obtain and/or confirm a ground water right for the Twin Falls plant. ConAgra was advised by Beeman & Associates, P.C. of the different procedures and timeframes for claiming a water right. One of the choices was to file an SRBA claim because the well was drilled and operating prior to the 1963 mandatory ground water permit requirement. ConAgra determined it would be best to pursue a SRBA claim for the ground water at the plant based on beneficial use. The beneficial use claim would preserve the valid priority date of the use of the water at the plant. Moreover, without the

beneficial use water right ConAgra would have to forego the 1961 priority date and be vulnerable to curtailment.

(5) ConAgra finalized its decision to file an SRBA claim in April 2007. The director's report for Basin 47 had been submitted to the SRBA Court in February of 2007. Beeman & Associates, P.C. advised ConAgra that in order to file an SRBA claim, ConAgra would have to file a Late Notice of Claim at the SRBA Court.

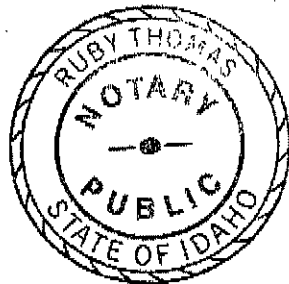
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 29th day of June 2007.



DAVID K. KUBOSUMI

SUBSCRIBED AND SWORN before me on this 29th day of June 2007.



Z:\1785.3\7752F



Notary Public for Idaho
Residing at Limbo, Idaho
Commission Expires: 6/24/2013

CERTIFICATE OF MAILING

I certify that on June 29th, 2007, I caused to be served the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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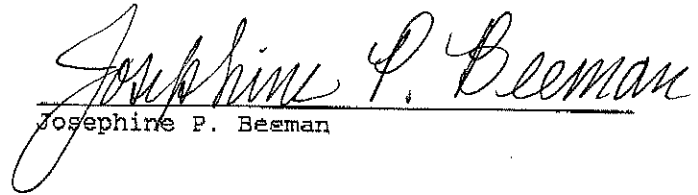

Josephine P. Beeman

Exhibit A

to

Affidavit of David Kubosumi
in support of
SRBA Claim 47-17438
(June 29, 2007)

The Idaho Frozen Foods Story

The inspiration of eight potato industry experts created an important company based on the concept that hash brown potatoes, frozen exclusively from Idaho products, could become a volume item.

IDAHO FROZEN FOODS was organized in 1955 by a small group of individuals, each with something to offer the new company. There were two in marketing, two in production and four in the growing and shipping of Idaho Potatoes. *The plan was to produce frozen shredded hash browns—using only Idaho Russet variety potatoes, processed and packed in the growing area.*

Two of the eight were experts in the process of shredded Hash Browns, and another of the partners owned a vacant dance hall in Kimberly, Idaho. The building was converted, processing and freezing equipment obtained and installed, and in a few months, Idaho Frozen Foods, Inc. was in business.

RUS-ETTES was to be the brand name, to best identify the product with the raw material. Production commenced in early 1956. The marketing plan called for sales first on the West Coast, with gradual movement eastward as production was increased.

RUS-ETTES Frozen Shredded Hash Browns first hit the market with virtual 100% distribution in the Los Angeles area in the Spring of 1956. Rube Kabrins and Jack Lane, two of the original partners, were National Sales Agents for the new company. Harry Nebenzahl, now vice president—sales of the Company, joined Kabrins-Lane Co. in April 1956, and in fact wrote the first order for RUS-ETTES recorded by the Company.

Though the Company was showing good progress in sales and production, Carl Hansen and John Beard, co-managers and partners in the Company, wished to return to the Los Angeles area. The "original 3" met and elected partner L. W. "Vern" Routh, Twin Falls, Idaho, grower and shipper, to the position of general manager of the fledgling Company. Mr. Routh guided the growth of the Company from that time forward until it was sold to Consolidated Foods Corporation in July 1966. He is currently president of the Idaho Frozen Foods Division of Consolidated.

During the period of 1956 to 1962 the Company processed and marketed only Frozen Shredded Hash Browns and Small Whole Peeled "Petite" Potatoes. These were all packed under

the RUS-ETTES Brand and were sold to both the retail and institutional markets.

Each year during this period found the company doubling sales. As new production was required, additional capital was needed. Accordingly new stockholders were admitted, and although the majority of the stock remained in the hands of the "original 6" (two of the eight disposed of their stock during this period) many local small investors became interested in the Company.

By 1961, the Board of Directors agreed the Company had to find a way to get into the frozen French fry business. But again capital requirements were great. With the aid of new financing, construction began in Twin Falls, Idaho on a new French fry plant. It was small but efficient and in 1962 Idaho Frozen Foods began producing and marketing high quality Idaho Frozen French Fries along with the now well-known RUS-ETTES Frozen Shredded Hash Browns. Bill Routh, a Food Technology graduate from Oregon State and Production Foreman with

Birdseye at Hillsboro, Oregon, brought in to handle production. V Snodgrass, who had been with Company since the beginning at Kimberly, was made plant supervisor. Stokes joined the Company, as accountant, office manager and treasurer.

Bill Kahn joined the company controller in 1966. He was former treasurer & controller of Silver St Savings & Loan Association, Denver, Colorado. He is a member of the Company Executive Committee and is coordinator for all departmental plans and projections.

It was determined to concentrate the growing Food Service Industry a virtually all production and marketing was keyed in this direction.

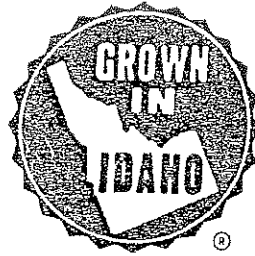
The new plant had a capacity 4,000 lbs per hour, and was programmed for 3 shifts per day, 6 days per week. The Kimberly plant remained in operation.

In August, 1966 a new hash brown and "Petite" plant was constructed at the Twin Falls site and the original Kimberly location was closed. Oper-



L. W. "Vern" Routh has been president and chief operating officer of Idaho Frozen Foods since 1957, a grower and shipper for 20 years and industry leader.

WHY IS



SO IMPORTANT TO THE FOOD SERVICE INDUSTRY?



**GREATER YIELD—SUPERIOR TASTE and TEXTURE
CONSISTENT UNIFORM HIGH QUALITY**



O.K.—THEN WHY



**BRAND FROZEN
POTATO PRODUCTS?**



They are the **BEST** of Idahos

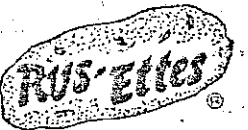
Better Grading—Better Finished Product

Flexibility—Idaho Frozen Foods is the Packer Best Able to Work With The Distributor To Satisfy Individual Needs

By Far The Most Economical Brand Available



**YOU CAN BUY PRODUCT CHEAPER THAN RUS-ETTES Brand
They will COST you more money:**



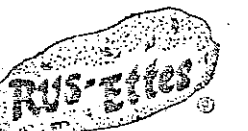
Mr. Food Service Operator: so-called cheap potatoes cost you money. You lose on yield and you lose sales.



RUS-ETTES Brand increases your per serving cost only a fraction of a cent.



RUS-ETTES Brand increases your yield and your quality.



YOU SELL MORE orders of a high profit item, increasing your gross and your profits.



THE PROOF IS in the numbers: high quality **RUS-ETTES** Brand will make you money.

The **ORIGINAL** and World's Finest
Frozen Shredded Hash Browns
All Cuts of French Fries and Crinkles

Frozen Whole Peeled All Purpose
"Petite" Potatoes



IDAHO FROZEN FOODS

P. O. BOX FF
Office
208-733-5664

TWIN FALLS
Sales
208-733-2260

IDAHO 83301
TWX
910-977-5717



HARRY M. NEBENZAHL
Vice President, Sales



BILL ROUTH
Vice President, Production



JIM STOKES
Assistant Secretary

tion in Twin Falls were kept separate, retaining the original methods of process on the hash browns to ensure continuity of quality of the item that had built the Company to this point. Although the basic process for which the Company was famous was retained, the new plant offered great economies of production and strides forward in plant sanitation.

Negotiations were entered into for the sale of the company to Consolidated Foods Corporation, and the stockholders agreed that such a move was in the best interests for the future growth and development of the Company. The sale was made as of July 1966. No changes in management were effected or contemplated. Idaho Frozen Foods was made a separate autonomous Division of Consolidated. Vern Routh remained as president of

the Division, Bill Routh as vice president — production and Kabrins-Lane Co., Beverly Hills, California, the national sales agents for the frozen potato company.

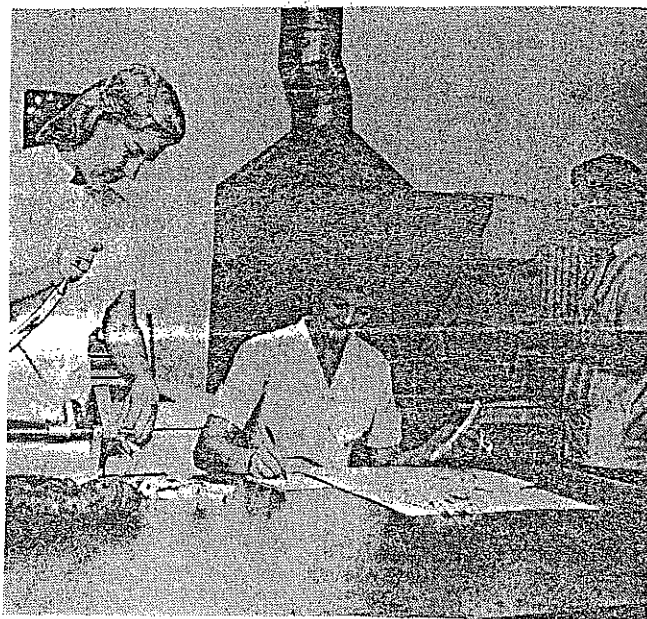
Institutional French fry packaging was rapidly changing. The company had to decide what new method to use. After months of studying all factors involved, the company chose the American Can Co. "Tite Pak" bag, self-forming on a Mira Pak machine. From point of view of product protection, customer convenience and ease of marketing, this white kraft poly-laminate bag, automatically formed and filled to precise net weight, proved to be the answer. All problems of product deterioration from dehydration in storage were eliminated. The clean white package, easily stored, easily opened, easily used and easily discarded when empty,



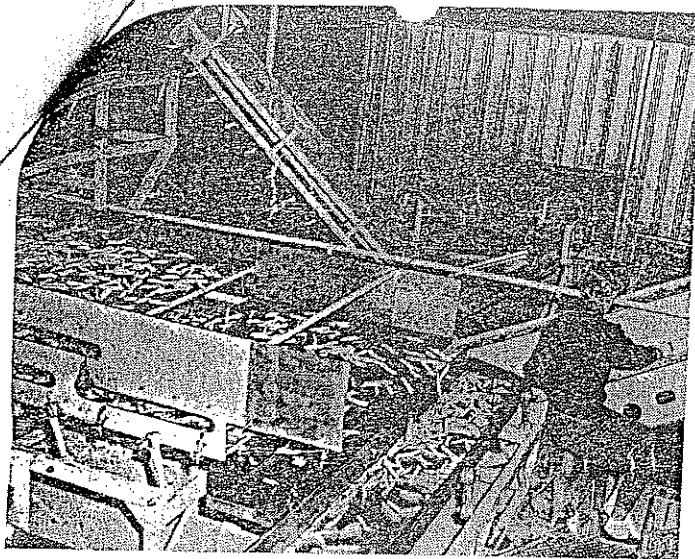
BILL KAHN
Controller



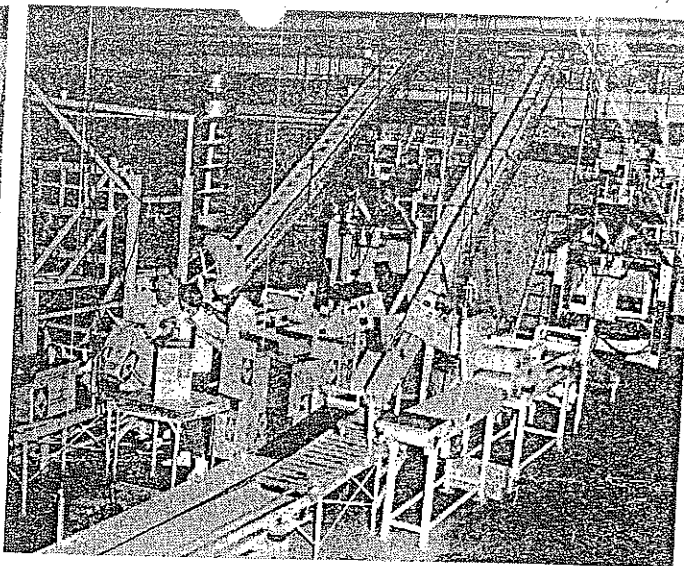
Darwin Boyle, Production Manager and Vern Snodgrass, Plant Superintendent of Idaho Frozen Foods



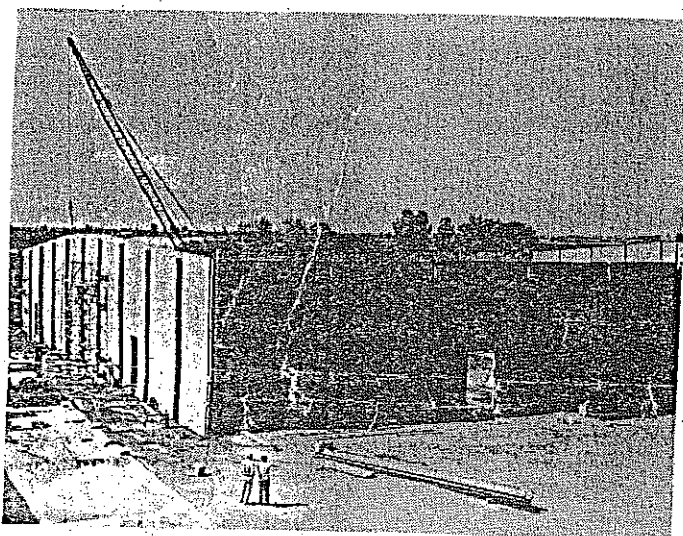
Lab technicians. Woman at left cuts product into strips, size grading (c.) and texture checked (r.)



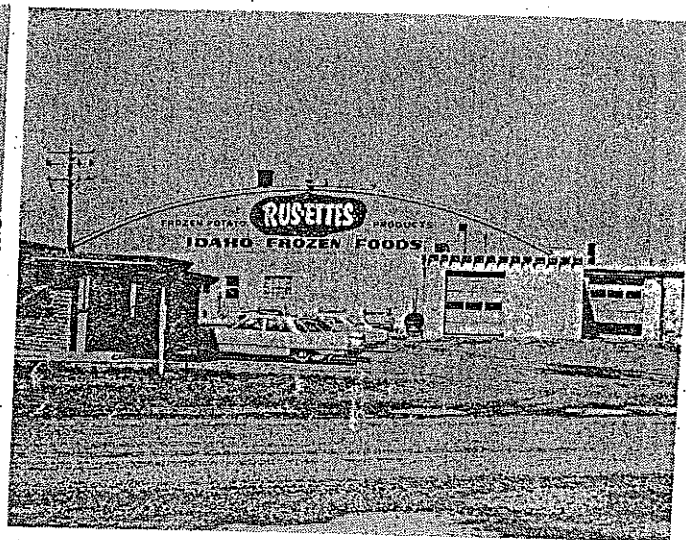
Shaker in foreground grades for length. French fries emerge from freeze tunnel in rear. Final inspection (x)



Automatic packaging of institutional French fries in Tite-pak bags reach final stage prior to shipping



New cold storage warehouse under construction with capacity of 12,000,000 pounds of frozen potatoes



Parking area for Idaho Frozen Foods plant with sub-level entrance to facility for refrigerated trucks

met with instant success among the company's distributors and their customers.

At this same time other changes were made throughout the French fry and hash brown plants, boosting production, quality and efficiency in all departments. Most of the innovations were engineered and installed by Key Equipment Company.

In July, 1967 Harry Nebenzahl resigned his partnership in Kabrins-Lane Co., the national sales agent, accepted the position of vice president—sales for the Company and moved to Twin Falls to direct all marketing activities from that location. Rube Kabrins and Jack Lane remained active in the marketing program of the Company. Jim Stokes, traffic manager and sales coordinator, was given the additional duty as assistant sales manager, to work with Mr.

Nebenzahl in that area.

The Company is undergoing additional expansion at this time. A new cold storage facility, adjacent to the present operation, is in the final stages of construction. The new building has a capacity of 1,144,000 cu ft and is being constructed by Reynolds Construction Co. of Twin Falls.

Lewis Refrigeration Co. is engineering, installing and handling all refrigeration requirements, as it has done for the Company in all its other freezer operations. The building is of tilt-up concrete construction, designed with many unique features to cut costs of handling merchandise in storage and to facilitate out bound shipments. It will be fully and permanently racked.

Idaho Frozen Foods obtained its raw material requirements from local growers. It requires all potatoes to be grown

from accepted seed, and reserves the right of refusal at the plant in the event any potatoes purchased do not meet its strict quality specifications.

Its Field Department works closely with the growers, advising and assisting as necessary to insure controlled growing conditions.

The pack year runs from approximately August 15-June 1. During the non-pack interim a complete tear down and rebuild of all equipment is accomplished. During the pack year the plant operates 24 hours per day, 6 days a week, with plant cleanup and maintenance on a round the clock schedule.

Since potatoes react quite differently to process, sometimes even from the same grower, Idaho Frozen Foods has so organized its quality control that changes in the line can be made almost instantly. There are a number of inno-

PUT 'EM IN PENNSALT CAUSTIC SODA TO GET THEM SKINNED PROFITABLY.

A caustic soda bath quickly loosens potato skins and allows for fast, clean, uniform removal. Write:



Pennsalt Chemicals Corporation
2901 Taylor Way Tacoma, Washington 98401

Congratulations *To* **IDAHO** **Frozen Foods**

VERN ROUTH
& HARRY NEBENZAHL

*From Your Friends in Southern
California.*



CROWN BROKERAGE INC.

1717 SOUTH HOOVER STREET
LOS ANGELES, CALIFORNIA 90006
PHONE 213-746-3630

Congratulations and Best Wishes

IDAHO
FROZEN FOODS

An Upstanding,
Outstanding and
Understanding
Organization!

L. H. FROHMAN & SONS, INC. *Sales Agent*
FOR PRODUCERS OF FROZEN FOOD PRODUCTS
310 NORTH DEARBORN STREET CHICAGO, ILLINOIS 60610 PHONE 312/467-4

WE CONGRATULATE
YOU RESPONSIBLE PEOPLE AT
IDAHO FROZEN FOODS FOR
THE GROWTH YOU ARE ENJOYING.
ALSO, WE ARE PROUD
TO BE A CONTRIBUTING SALES
FACTOR FOR THE PAST
TEN YEARS IN YOUR GROWTH.



Lee W. Hilwich Company

Food & Merchandise Brokers
P.O. BOX 5687 - WERNERTS BRANCH
TOLEDO, OHIO 43613



Retail line of Idaho Frozen Food potato products is packed in both poly bags and cartons under Rus-Ettes and Ida-Treat labels

operations and controls within the operation to insure consistent high quality finished product. It all starts, of course, with the potatoes from the field. The potatoes are held under controlled storage conditions, and extremely small lots are separately coded for processing specifications. Prior to entrance to production line the raw products are again coded for process reaction, any undesirable and smaller potatoes are eliminated.

The inspected, peeled, and hand trimmed potatoes proceed to the cutting system. Urshel Model GRL cutters are used to make the French fry

strips, either crinkle or smooth cut, and of any desired thickness. This particular system, relatively new to the industry, provides an extremely high percentage of long strips, and has markedly increased the length specification of the pack.

There are a number of inspections along the line, and samples are drawn from five separate locations on a continuous basis and analyzed in the Quality Control Lab. Any variation in quality is immediately recognized and corrected. A sliver eliminator and vibrator to eliminate a percentage of short pieces divert these undesirable

strips to the Ranch Style (chopped hash brown line).

The remaining potato strip passes through a series of blanchers and dryers to the special process fryer system. Control of temperature in the fryer is a critical item, and the system is constant to plus or minus 2 degrees. The pure vegetable oil is automatically controlled, regulated and continuously filtered. The sign of the conveyors through the fryer is such to give a tumbling action on the potato strips to insure agglomeration and to give even fry on all strips.

The oil blanched fries then pass through a system to remove residual excess oil, precool the fries, through the sharp freezer to the size graders, and packaging lines. The grading shakers are so designed to allow extremely close tolerance in percentage of strips of any desired length. Packaging has been described elsewhere.

As mentioned, the shredded hash brown operation is separate. This gives Idaho Frozen Foods two basic advantages in control of quality of product. First, the smaller whole potatoes eliminated from the French fry line give the French fry operation a large potato to work with, resulting in large percentage of long strips. Second, by using only whole potatoes in the shredded hash brown process, the resultant product is one of better character and cooking capability. The shreds are longer, more uniform, and of even pre-cook blanch. Within the shredded hash brown process much of the potato moisture is removed, giving much higher finished yield to the consumer or operator, along with better taste, texture and plate appearance, resulting in satisfied customers.

The small whole peeled petite potato production has been incorporated into the shredded hash brown plant. The smaller of the small potatoes used are held back, not shredded, but water blanched, and frozen whole. The frozen whole peeled potatoes average 15 count

- ★ Key Froth Flotation Cleaner
- ★ Key Quality Grader
- ★ Key Padder

- ★ Key Hydro Food Pumps
- ★ Key Air Cleaners
- ★ Key Dewatering Shakers
- ★ Key Kan Depalletizers



Key Equipment Co., Inc.

MANUFACTURERS OF FOOD PROCESSING MACHINERY

"The Key Word Is Quality"

517 N. E. 10th St. — P. O. BOX 6

MILTON-FREEWATER, ORE. 97862

QUICK FROZEN FOODS

Congratulations To
IDAHO FROZEN FOODS

We are proud to represent "Idaho"
in the Philadelphia area.

KOFF-SMITH ASSOCIATES

Institutional

Retail

Merchandising & Sales Service

97 Ashland Avenue

Belmont Hills, Penna. 19127

Tel. (215) Te 9-6680



*Best Wishes and
Continued Success
to*

**IDAHO
FROZEN FOODS,
INC.**

*

**GUY W.
LEWIS,
Inc.**

7966 E. 41st St.
Tulsa, Oklahoma 74145

*

*Congratulations
to*

Idaho Frozen Foods

We are proud to repre-
sent its outstanding line
of fine frozen potato
products in The Greater
Birmingham Market.

**TAYLOR
Brokerage Co.**

P. O. Box 7664

Birmingham, Ala. 35205

Phone:

Area Code 205 324-8981

*We proudly
represent
Idaho Frozen Food*

in

*The Greater
Cleveland Market*

including

*Northeastern Ohio
and W. Penn.*

**Norman T. King
& Company**

6684 Fernhurst Road
Cleveland, Ohio 44130

Phone:

(216) 884-5811

CONGRATULATIONS to IDAHO FROZEN FOODS

DIVISION OF CONSOLIDATED FOODS CORPORATION

We are proud to be one of the founders of this fine company.

It is extremely gratifying to know that today
as in the beginning **QUALITY** is still the most
important ingredient in **RUS-ETTES** brand **FROZEN POTATOES**

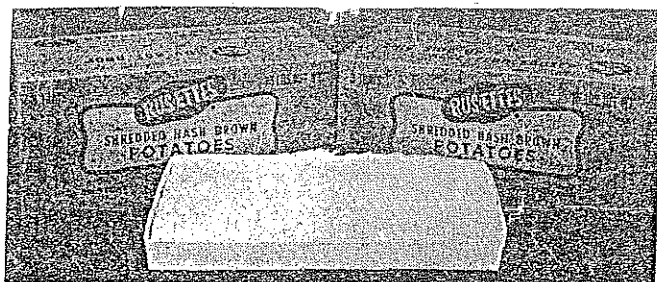
KABRINS-LANE CO.

Rube Kabrins

315 So. Beverly Drive, Beverly Hills, California 90212 • 213-272-5465

Jack W. Lane

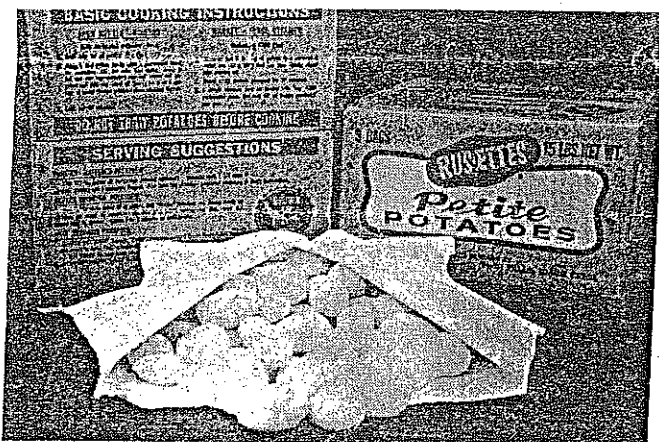
QUICK FROZEN FOODS



Three-tray boxes of Idaho Frozen Foods' Rus-Ettes shredded hash brown potatoes in 15-pound weights



The 18-pound Rus-Ettes special food service pack for institutional use provides 96 portioned servings



Peeled Petite Potatoes in five pound bags, packed three to a carton, has basic cooking and serving data



Institutional packs from Idaho Frozen Foods include a number of company and distributor private labels



SEAVEY & FLARSHEIM BROKERAGE COMPANY

13 FULL-SERVICE BROKERAGE OFFICES
COVERING THE ENTIRE MID-WEST

CHICAGO

KANSAS CITY

MILWAUKEE

OMAHA

OKLAHOMA CITY

MINNEAPOLIS

DES MOINES

DAVENPORT

WICHITA

ST. LOUIS

HEADQUARTERS:

OAKBROOK NORTH BLDG.

1200 HARGER ROAD

P. O. BOX 1069

OAKBROOK, ILLINOIS 60521

(312) 654-4030

HOOSIER BROKERAGE DIVISION

INDIANAPOLIS, FT. WAYNE, EVANSVILLE

Congratulations to IDAHO FROZEN FOODS

*We are proud to be a part of their
growth and success story.*

Lewis Refrigeration Co.

Woodinville, Washington

"Serving the frozen food processing industry
with dependable freezing tunnels, and
Fluidized IQF Freezing systems"

per pound, and are packaged in 3/5 Mira Pak bags per case. They are used primarily by airlines, steamship companies and hotels for banquet use.

The majority of the products packed by Idaho Frozen Foods are marketed to the institutional trade under company and distributor private labels. The Company is also involved in marketing through several major full service frozen food programs, both retail and institutional. All institutional French fry items, as well as the small whole peeled petite potatoes are packed in the Mira Pak bags. The various packs of institutional frozen shredded hash browns are all in poly-lined case packaging for retail products is in various overwrap cartons for 8 oz, 9 oz, 12 oz and 16 oz sizes, and in printed poly either preformed or roll stock for 1 lb, 1 1/2 lb, 2 lb, 2 1/2 lb, 3 lb and 5 lb sizes.

Flexibility in packaging, willingness to work closely with the buyers to satisfy special needs and requirements and overall high quality of product have made Idaho Frozen Foods an active packer of private and controlled label retail items.

For the same reason, plus a company commitment to sell through distributors, giving them every possible amount of cooperation in marketing, Idaho Frozen Foods has grown to a position of stature and responsibility in the industry.

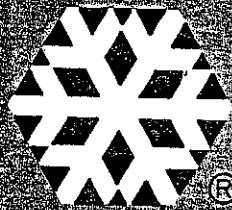
Exhibit B

to

Affidavit of David Kubosumi
in support of
SRBA Claim 47-17438
(June 29, 2007)

Welcome to

IDAHO
FROZEN
FOODS
CORP.



EMPLOYEE
HANDBOOK

© 1981 IDAHO FROZEN FOODS COMPANY

HISTORY & BACKGROUND

Idaho Frozen Foods began in 1956 as a small operation processing and freezing hashbrown potatoes in Kimberly, Idaho. About 1,900 pounds of Idaho-grown potatoes were processed daily. Initially, all of the frozen hashbrowns were marketed in the Los Angeles area under the brand name "Rus-Ettes.®"

Until 1962, the company processed and marketed only frozen shredded hashbrowns and small whole "petite" potatoes. Since the business continued to improve dramatically, the Board of Directors decided in 1961 to enter the frozen french fry business, and with the aid of new financing, a french fry plant was built in Twin Falls.

The new Twin Falls plant had a capacity of 4,000 pounds per hour and was processing potatoes on three shifts a day, six days a week. The Kimberly plant remained open until August, 1966, when a new hashbrown and petite plant was constructed in Twin Falls. In 1966, Idaho Frozen Foods joined Consolidated Foods Corporation and has grown into an important profit center of the Consolidated Foods family, along with Sara Lee, Hanes, Popsicle, Chef Pierre, Shasta and a number of other well-known companies.

Idaho Frozen Foods purchases its potatoes from local growers. Most of the potatoes are grown from seed provided to the growers. Since the operation is extremely quality conscious, Idaho Frozen Foods reserves the right of refusal for any potatoes not meeting its specifications.

The plant operates 24 hours per day, five or six days a week from mid-August to July. Normally in July and August the plant is closed, maintenance is performed, and equipment rebuilt and upgraded to handle any new products or improve the existing facilities for the new year.

Since potatoes have a single growing season, they must be held under controlled storage conditions. Prior to processing, the potatoes are separated based on size and processing specifications. The inspected, peeled and hand trimmed potatoes are then sent to the processing tables. Several inspections are made at various locations along the line and the results are analyzed by the Quality Control labs. The potatoes are then blanched and fried. Following this process, the excess oil is removed, and they are pre-cooled and packaged according to cut and label.

Today, Idaho Frozen Foods employs approximately 900 people during the peak of the processing season in six separate functions including Distribution/Warehousing, Operations, Technical Services, Personnel, Sales/Marketing, and Finance/Administration.

The plant produces almost 400 different products listed under french fries, hashbrowns, and specialty products, and processes more than 80,000 pounds of potatoes per hour compared to its original 1,900 pounds per day.

Dedicated people, flexibility in packaging, a willingness to work closely with buyers, and a quality product have made Idaho Frozen Foods a leader in the frozen potato industry.

Exhibit C

to

Affidavit of David Kubosumi
in support of
SRBA Claim 47-17438
(June 29, 2007)

FROM : G.J. VERTI-LINE PUMPS, INC

FAX NO. : 2087335009

Feb. 12 2004 10:17AM P2

Mack Gray Drilling Co.
 LAYNE AND BOWLER PUMP COMPANY
 WELL TEST REPORT

Bill Chene
Chene
Nin. Co.
Don. Pa.

NAME Idaho Frozen FoodsDATE 10/16/61LOCATION Summit Falls

SEC. _____

RANGE _____

T. _____

WELL DEPTH 600'WELL SIZE 12"

CASING _____

TEST PUMP DEPTH 200' 14" C.H.B.W.R.ORIFICE SIZE 8" X 6 1/2"STATIC WATER LEVEL 25'

STARTING TIME

10/16/615:0010/17/617:30

TIME

PUMPING LEVEL

ORIFICE READING

G.P.M.

MINERS INCHES

5:05

165'

8 1/2"

575

63.5

5:40

172'

9 1/2"

610

68"

173'

9 1/4"

600

67"

6:30

175'

8 1/2"

600

67"

10/17/61

7:30

8:00

165'

6 1/2"

500

9:00

180'

10"

720

80"

REMARKS

Exhibit D

to

Affidavit of David Kubosumi
in support of
SRBA Claim 47-17438
(June 29, 2007)

WELL LOG AND REPORT BY THE
MACK GRAY WELL DRILLING
KIMBERLY, IDAHO

RECEIVED
DEC 15 1961

Department of Reclamation

Permit No. _____ Well No. _____ County Twin Falls

Owner Idaho Frozen Foods Products

Address Twin Falls, Idaho

Driller Mack Gray Well Drilling

Address Kimberly, Idaho

Lot 5 of Chamber of Commerce Industrial Site Sub-
Well location 1/4 1/4 Sec. 1 10 W 3, R 17 E W
division of the City of Twin Falls
Size of drilled hole 12"

Locate well in section

NW 1/4	NE 1/4
SW 1/4	SE 1/4

Total depth of well 604 ft.

Give depth to standing water from the ground 25' Water temp. _____ °Fahr.

On "Pumping Test" delivery was 720 g.p.m. or _____ c.f.s. Drawdown was 155 feet.

Size of pump and motor used to make test 200', 6" column, 8" bowls, 300 H.P. Diesel

Length of time of test 3 hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

(TYPE AND SIZE OF VALVE, ETC.)

Water will be used for Processing Potatoes Weight of casing per lineal foot _____

Thickness of casing 3" Casing material Steel

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 12", 5', 0 to 5'

(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
12"	0	5'	5'	

Number and size of perforations _____ located _____ feet to _____ feet from ground

Date of commencement of well 8/25/61 Date of completion of well 10/14/61

10517E

usf

WELL LOG

From Feet	To Feet	Type of Material	Water-bearing Formation Ans. Yes or No	Casing Perforated Ans. Yes or No
0	4	Rock		
4	35	Grey lava firm Sit water at 35'		
35	80	Brown lava firm		
80	95	Red lava		
95	120	Grey lava firm		
120	145	Brown lava soft		
145	175	Grey lava		
175	185	Brown lava		
185	215	Grey lava firm		
215	225	Clay		
225	230	Clay & shale		
230	290	shale		
290	310	Grey rock solid		
310	331	Shale		
331	333	Brown lava		
333	392	Clay		
392	402	Shale		
If more space is required use Sheet No. 2				

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed Chuck Jones
by Mrs. Mack Jones

Dated 10/21/61, 1961

Chuck Jones

License No. 201

State Contractors License No. 2040

Idaho Frozen Foods Products

Well Driller Mack Gray Well Dr.

WELL LOG

[illegible]

*Should questions arise during the processing of this application please contact:
Norm Young - ERO Resources Corp. (208) 373-7983*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

47-17438

Date Received

Receipt Number

**LATE NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant(s) ConAgra Foods Packaged Foods Co., Inc.

Phone (208) 736-5640

Mailing Address P.O. Box 128 Twin Falls, Idaho

Zip 83303-0128

2. Date of Priority (Only one (1) per claim) October 14, 1961

3. Source of water supply (a) Ground water

Which is tributary to (b) --

4. a. Location of point of diversion is: Township 10S Range 17E Section 17,

NE ¼ of SE ¼ of SE ¼, Govt. Lot _____, B.M., County of Twin Falls

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is: N/A

Township _____ Range _____ Section _____, _____ ¼ of _____ ¼ of _____ ¼,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 12 inch diameter, 600 foot deep well with 100 horsepower electric powered pump and distribution system to the processing facility.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)
For Industrial purposes from 1/1 to 12/31 amount 1.25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully. (Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Operation and maintenance of a potato processing facility.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	
10S	17E	17																I	----

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes XX No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

No other rights when developed, municipal water available as an alternative since 1975.

14. Remarks:

"Industrial use" is for food processing, sanitation and fire protection at a potato processing facility.

Point of diversion and place of use are within Lot five (5) of Chamber of Commerce Industrial Site Subdivision of the City of Twin Falls and adjacent portion of Railroad Avenue West.

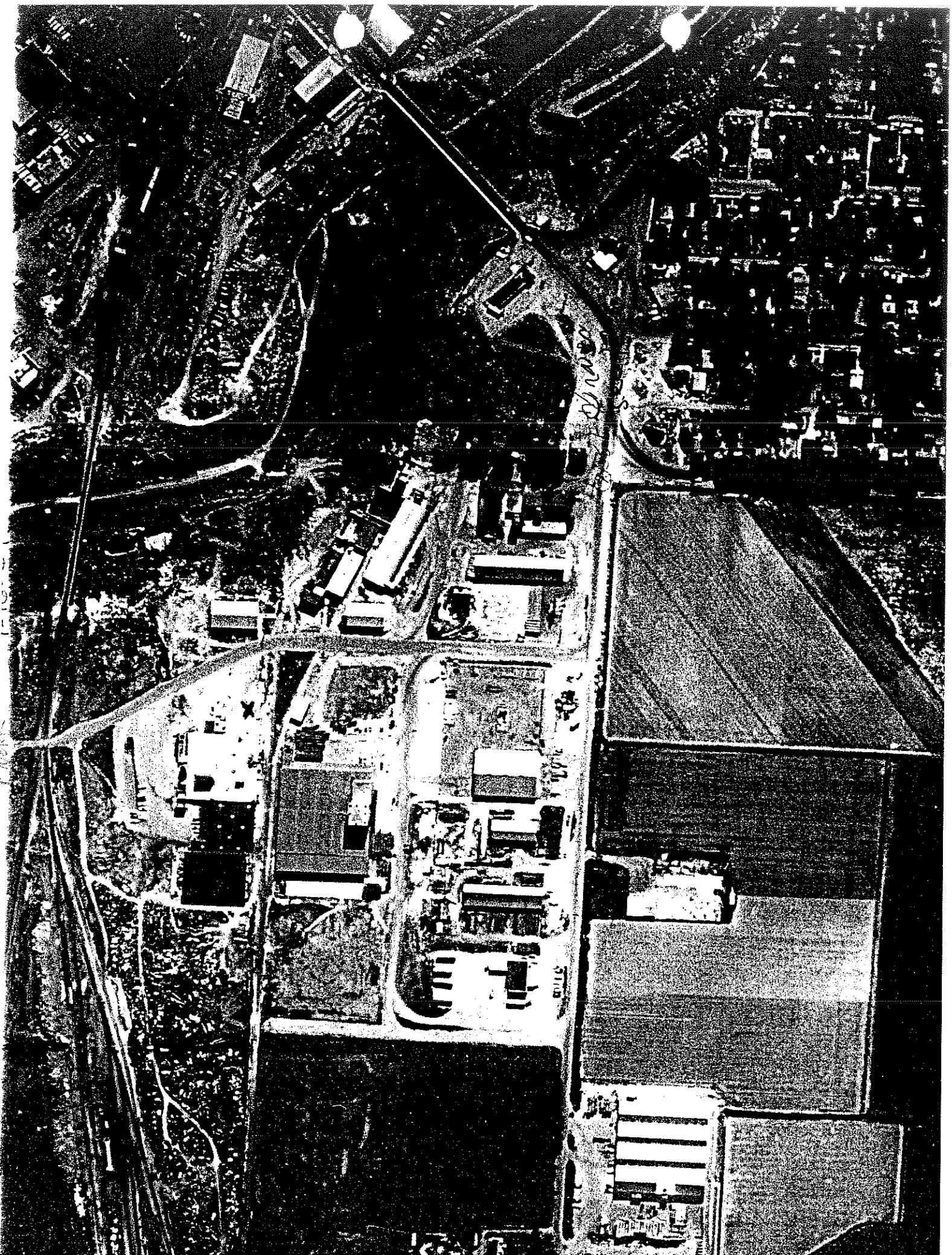
The claimed priority date is based upon the completion date of the well (see attached driller's report and well test report). Also attached is a copy of the "Idaho Frozen Foods Corp. Employee Handbook" that describes (on page 2) the history of the Twin Falls facility. Section 42-229, Idaho Code, provides for perfection of this right commenced by diversion and beneficial use prior to a permit being mandatory.

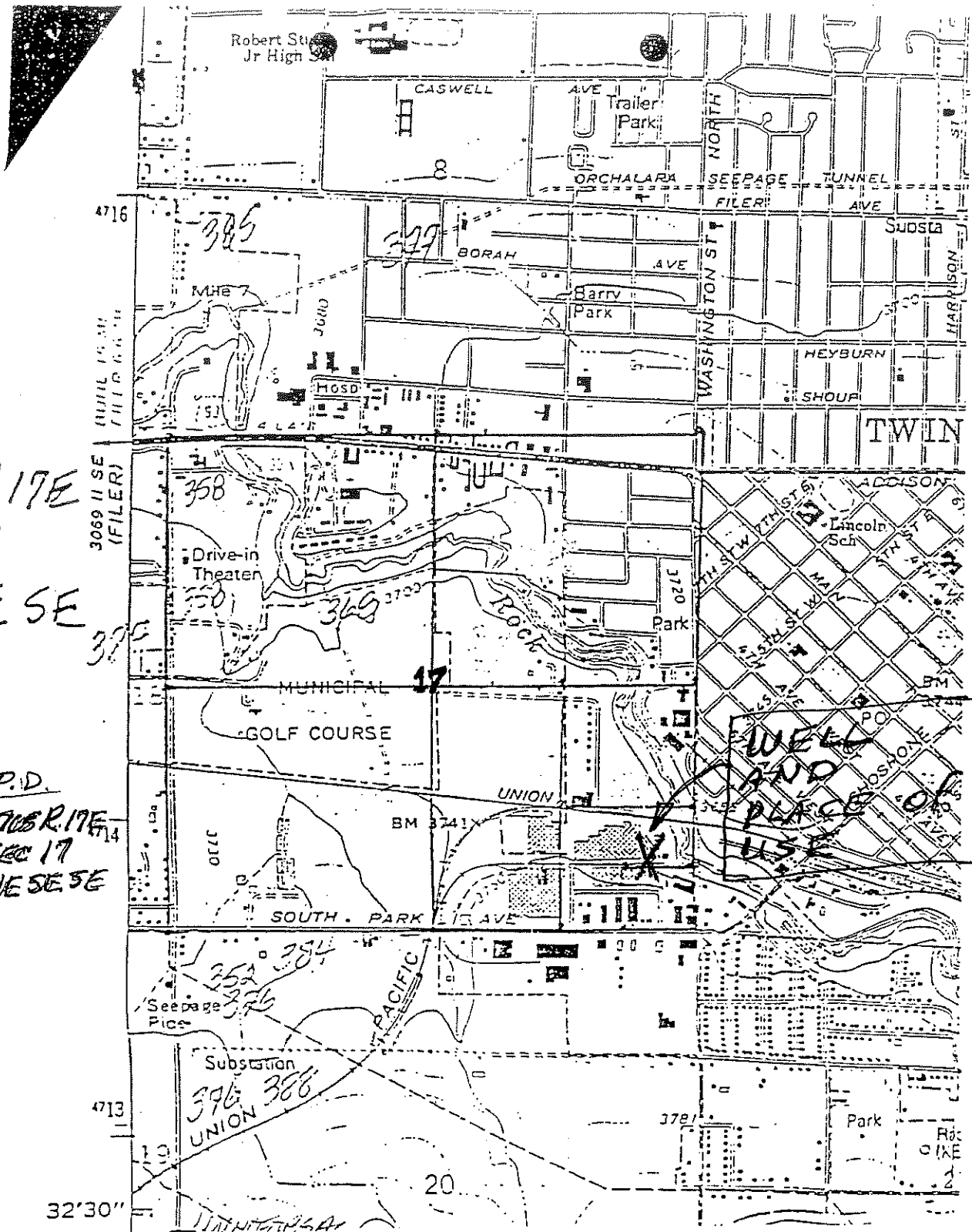
Last Name ConAgra Ident. Number _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile.

Last Name ConAgra Ident. Number _____





P.D.
TUES. 17E
SEC 17
NE SE SE

WELL
AND
PLACE OF
USE

15. Basis of Claim (Check One) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will received notice in the Snake River Basin Adjudication." I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Operations Manager of ConAgra Foods

Packaged Foods Co., Inc., that I have signed the foregoing document in the space below as

Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent David T. Kelson for Wayne Clarr

Title and Organization Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

Date 6/26/07

State of Idaho/or Idaho)

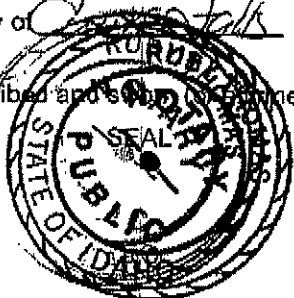
County of Boise) SS.

Subscribed and sworn to before me this 27th day of June 20 07

Notary Public Quincy Hughes

Residing at Kimberly, ID

My Commission Expires 6/4/2013



17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Josephine P. Beeman will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address Beeman & Associates, P.C.

409 W. Jefferson St.

Boise, Idaho 83702

(208) 331-0950

Date _____

Last Name ConAgra Ident. Number _____

Last Name ConAgra Ident. Number _____

15. Basis of Claim (Check One) Beneficial Use XX Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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_____ Date _____

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Packaged Foods Co., Inc., that I have signed the foregoing document in the space below as

Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization Operations Manager of ConAgra Foods Packaged Foods Co., Inc.,

Date _____

State of Idaho/or _____)

County of _____) SS.

_____)

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Josephine P. Beeman will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Josephine P. Beeman

Address Beeman & Associates, P.C.

409 W. Jefferson St.

Boise, Idaho 83702

(208) 331-0950

Date June 29, 2007

Last Name ConAgra Ident. Number _____

Last Name ConAgra Ident. Number _____

